

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. Action No. 1:18-CR-50-3
(Judge KleeH)

SEDDRICK DAMOND BANKS,

Defendant.

ORDER DENYING IN PART AND GRANTING IN PART DEFENDANT'S
MOTION FOR CHANGE OF VENUE, OR ALTERNATIVELY, MOTION TO
ENGAGE ORION STRATEGIES FOR SURVEY [ECF NO. 283]; GRANTING
DEFENDANT'S MOTION FOR USE OF SUPPLEMENTAL PRETRIAL JUROR
QUESTIONNAIRES [ECF NO. 284]; GRANTING DEFENDANT'S
MOTION IN LIMINE REGARDING STOLEN FIREARM [ECF NO. 286];
AND CONTINUING PRE-TRIAL CONFERENCE AND JURY TRIAL

On February 28, 2020, the parties appeared for a hearing to address the following motions filed by Defendant, Seddrick Banks ("Banks"): *Motion for Change of Venue, or alternatively, Motion for Permission to Engage Orion Strategies to Conduct Internet and News Research and Survey* [ECF No. 283]; *Motion for Use of Supplemental Juror Questionnaires* [ECF No. 284]; and *Motion In Limine Regarding Stolen Firearm* [ECF No. 286].

After considering the arguments of counsel, the Federal Rules of Criminal Procedure, and the applicable legal standards, the Court **DENIES IN PART** and **GRANTS IN PART** Defendant's motion for change of venue, or alternatively, motion to engage Orion Strategies to conduct internet and news research and survey [ECF

No. 283]. The motion is **DENIED** at this time with respect to the request for a change in venue, but **GRANTED** to permit Defendant to engage Orion Strategies in this matter. The Court has reviewed the proposed costs of the expected research and survey by Orion Strategies and find them to be appropriate; however, this order does not constitute either approval or disapproval of the total fee which counsel may ultimately request on behalf of Orion Strategies.

Also, for the reasons discussed during the February 28, 2020, hearing and with no objection from the Government, the Court **GRANTS** Defendant's motion for use of supplemental juror questionnaires [ECF No. 284] and motion in limine regarding stolen firearm [ECF No. 286].

For reasons appearing to the Court, to allow Defendant additional time for Orion Strategies to conduct the requested research and survey, and upon Defendant's request at the February 28, 2020, hearing, the Court **CONTINUES** the **pre-trial conference** scheduled for **Wednesday, March 11, 2020, at 10:00 a.m.**, and the **jury trial** scheduled for **Monday, March 23, 2020, at 9:30 a.m.** The **pre-trial conference** in this matter is now scheduled for **11:00 a.m. on Thursday, June 4, 2020**, at the Clarksburg, West Virginia point of holding court. **Jury selection** will begin at **9:30 a.m. on Tuesday, June 16, 2020**, at the Clarksburg, West Virginia point of

holding court. The Court further **DIRECTS** that new deadlines be scheduled for pre-trial motions.

In continuing the trial, the Court has considered the factors outlined in 18 U.S.C. § 3161, and the Court **FINDS** that the ends of justice served by a continuance outweigh the best interest of the public and the Defendant in a speedy trial. Specifically, the Court finds that this time should be excluded from speedy trial computation because the failure to continue this matter "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." See 18 U.S.C. § 3161(h)(7)(B)(iv). Additionally, the failure to continue the trial under the circumstances presented would be likely to result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(7)(B)(i).

It is so **ORDERED**.

The Clerk is directed to provide a copy of this Order to counsel of record, to Magistrate Judge Michael J. Aloï, and to Lisa A. Coleman, CJA Panel Administrator, Office of the Federal Public Defender for the Northern District of West Virginia.

DATED: March 5, 2020

/s/ Thomas S. Kleeh
THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE